Office of the
Information Commissioner of Canada

2008–2009

Departmental Performance Report

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Interim, Information Commissioner of Canada

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Message from the Interim Information Commissioner of Canada

I am pleased to submit to Parliament the *Departmental Performance Report* of the Office of the Information Commissioner of Canada for the fiscal year ending March 31, 2009.

Canadians expect—indeed require—that public institutions be efficient in carrying out their mandate and timely in responding to citizens' requests for information. As the agency responsible for ensuring that requestors' rights under the *Access to Information Act* are respected, the Office is expected to demonstrate fairness, timeliness and transparency in the way we conduct our business. To be successful over time, we must also have the flexibility to embrace and anticipate change, and use change to improve service delivery to Canadians.

In recent years, our external environment has undergone massive changes, driven mostly by technological developments. The impact on access to information has been both profound and multi-faceted. Therefore, under the leadership of former Commissioner Robert Marleau, we redefined our vision for the Office two years ago, and moved in a bold new direction. We proceeded with a major realignment of operations and resources to improve our core investigative function, to deal with a historical backlog of complaints—which was compounded by a major surge in complaints in 2007–2008—and to address other deficiencies noted by the Office of the Auditor General in its 2006–2007 audit report. We actively pursued reform of the *Access to Information Act*, guided by Mr. Marleau's fervent call to modernize the legislation in the name of democracy.

Our 2008–2009 *Report on Plans and Priorities* set ambitious goals to align our operations with current needs and realities. We made considerable progress towards achieving these goals. For example, our revamped report cards exercise provided a better picture of how institutions process access to information requests. We carried out a thorough review of our resource levels, which confirmed the need to increase our resource base so that we can fully deliver our mandate. We established an internal audit function to obtain independent feedback on the effectiveness of our operations and governance processes. We tabled a series of legislative recommendations before Parliament to address the most pressing needs to modernize the Act.

More significantly, we introduced a new business model, tailored to our unique challenges, for the purpose of improving service delivery to information requestors. This new way of doing business is supported by a comprehensive and well-integrated strategy to upgrade over the next five years our technology infrastructure and organizational capacity. As a result, we have already increased substantially the efficiency and timeliness of our investigations. By the end of 2008–2009, we had closed more complaints than in any previous year and reduced the historical backlog of long-standing complaints (pre-April 1, 2008) by half, which bodes well for eliminating it by March 2010.

In addition, our new business model allows us to be more strategic and proactive in identifying and addressing issues that hinder access to information. To echo Gilles Paquet's[1] exhortation in a recent paper on the role of ombudsman in governance, we must confront today's multiplicity of diffuse, complex and interwoven forces at play, and tackle systemic issues head on in order to unearth and expose the source of the problem. Our new business model also provides for the strategic and concerted use of various activities and tools at our disposal to exert maximum influence on how institutions handle access requests.

In 2009–2010, my first priority as Interim Commissioner will be to finalize the implementation of our business model, so that we can further increase the timeliness of our investigations, eliminate our historical backlog and prevent its recurrence. We will follow up on recommendations from the independent audit of our new Intake and Early Resolution Unit to ensure that our investigative process is the most efficient and transparent it can be. We will thoroughly investigate systemic issues in order to prevent non-compliance situations or offer effective solutions at an earlier stage. And until legislators strengthen the compliance model inherent in the Act, we will use all means at our disposal to maximize compliance with the law.

[1] Gilles Paquet is a Professor Emeritus at the School of Management and Senior Research Fellow at the Centre on Governance of the University of Ottawa.

Section I: Overview

Summary Information

Raison d'être

The Office of the Information Commissioner of Canada ensures that the rights conferred by the *Access to Information Act* are respected, thereby enhancing transparency and accountability across the federal government.

The Office of the Information Commissioner carries out thorough, fair and timely investigations of complaints made against federal institutions under the Act. As such, the Office gives complainants, heads of federal institutions and all third parties affected by complaints a reasonable opportunity to make representations.

Responsibilities

The Information Commissioner is an officer of Parliament and ombudsman appointed by Parliament under the *Access to Information Act*, Canada's freedom of information legislation. The Commissioner is supported by the Office of the Information Commissioner, an independent public body set up in 1983 under the *Access to Information Act* to respond to complaints from the public about access to government information.

The Office has four branches:

- The Complaints Resolution and Compliance Branch carries out investigations and dispute resolution activities to resolve complaints.
- The Policy, Communications and Operations Branch assesses federal institutions' performance under the Act, conducts systemic investigations and analysis, provides strategic policy direction for the Office, leads the Office's external relations with the public, the government and Parliament, and provides strategic and corporate leadership in the areas of financial management, internal audit and information management.
- The Legal Services Branch represents the Commissioner in court cases and provides legal advice on investigations, and legislative and administrative matters.
- The Human Resources Branch oversees all aspects of human resources management and provides advice to managers and employees on human resources issues.

Strategic Outcome and Program Activity

The Office of the Information Commissioner has one Strategic Outcome and one Program Activity.

Strategic Outcome	*Program Activity*
Individuals' rights under the *Access to Information Act* are safeguarded	Compliance with access to information obligations

Summary of Performance

2008–2009 Financial Resources ($ million)

Planned Spending	Total Authorities	Actual Spending
9.638	10.227	9.834

The Office's financial resources had a direct impact on its performance. The following sections highlight the work the Office carried out with the resources available in 2008–2009 to achieve its single Strategic Outcome and deliver on its single Program Activity.

At the outset of the year, the Office's planned spending was $9.638 million. Through Main Estimates and Supplementary Estimates, the Office was allocated total authorities of $10.227 million. Actual spending was $9.834 million.

2008–2009 Human Resources (full-time equivalents)

Planned	Actual	Difference
90	59	31

The Office faced significant human resources challenges in 2008–2009. A number of investigators left the Office due to retirement or to pursue opportunities with access to information and privacy units in federal institutions. Recruiting replacements is an ongoing challenge for the Office, since skilled information professionals are currently in high demand.

In order to eliminate its historical backlog of complaints and manage the increased workload stemming from a surge in new complaints, the Office contracted consultant and temporary help services throughout the year. These resources—23 temporary help and consultants—are not included in the figures above.

Summary of Performance against Targets

Strategic Outcome 1: Compliance with access to information obligations		
Performance Indicators	**Targets**	**2008–2009 Performance**
Proportion of recommendations that are adopted (recommendations from investigations in response to complaints and Commissioner-initiated investigations)	95 percent of recommendations from investigation of complaints are adopted	As was the case in 2007–2008, the Office resolved 100 percent of the complaints it completed in 2008–2009 without resorting to legal proceedings. This is clear evidence that institutions are adopting the Commissioner's recommendations. The 2008–2009 annual report reviews eight examples of successfully resolved complaints.
	80 percent of recommendations from Commissioner-initiated investigations are adopted	The Commissioner only initiated one investigation in 2008–2009, and the findings were pending at the end of the fiscal year. The Office will report on these findings in its 2009–2010 performance report.
Timeliness of the follow-up actions on recommendations	All recommendations are followed up within one year of final reports	As a result of its investigation into a complaint by the Canadian Newspaper Association that federal institutions were applying secret rules when handling access requests from the media, the Office made three recommendations in September 2008. The President of the Treasury Board and the heads of the 21 institutions investigated agreed to follow the Office's recommendations. The Office followed up with the institutions in early 2009, which elicited various replies. Some institutions stated once again that they do not label requests for special handling. Others confirmed that although they do label requests, this does not delay the disclosure of information. Two institutions—Citizenship and Immigration Canada and Indian and Northern Affairs Canada—clearly demonstrated their commitment to avoid delays. By contrast, Health Canada implemented solutions that will only decrease or reduce delays. This means that the institution will continue to fail to meet legal deadlines for its "highly sensitive" files. The Office intends to follow up with Health Canada in 2009–2010. The Office's performance assessment process (report cards) generated a number of recommendations, which the Office released in February 2009. The Office will be following up on the implementation of the recommendations during 2009–2010 and will report on the rate of adoption in that year's performance report.

Summary of Achievements against Priorities

1. **Improve service delivery to information requestors**: The Office developed and began to implement a new business model to increase the efficiency of investigations, eliminate the historical backlog of complaints and prevent its recurrence, and address systemic issues. The business model will also allow the Office to effectively use the various tools at its disposal to

maximize its influence on compliance. This new way of doing business is supported by a comprehensive and well-integrated strategy to update over the next five years the Office's technology infrastructure and organizational capacity. More details about the new business model can be found in Section II, below, as well as in the Commissioner's 2008–2009 annual report.

2. **Renew the approach to the performance assessment of federal institutions**: The Office revamped its performance assessment process (known as report cards) to increase its relevance and usefulness as well as to address systemic issues. The new report cards methodology sheds light on contextual factors affecting institutions' performance, while keeping a strong focus on whether institutions are responding to requests within the statutory timelines. The Office issued a special report to Parliament in the winter of 2009 on institutions' performance in 2007–2008. The report included the results for the 10 institutions assessed, recommendations for the Treasury Board Secretariat, the central agency responsible for the implementation of the *Access to Information Act*, as well as the institutions' response.

3. **Integrate, to the operations, the implications of the coming into force of the *Federal Accountability Act***: To adequately meet its *Federal Accountability Act* obligations, the Office requested funding from Treasury Board in 2007–2008 to set up an access to information and privacy office and to develop an internal audit function. The Office received and used this funding in 2008–2009. The Access to Information and Privacy Secretariat was fully operational in 2008–2009 and worked to enhance information management throughout the Office in order to facilitate responses to information requests. In addition, the Office met the April 1, 2009, deadline to implement the requirements of the Treasury Board audit policy suited to the work of an officer of Parliament.

4. **Modernize access to information legislation**: In March 2009, the Information Commissioner presented 12 recommendations related to the most pressing matters for reform of the *Access to Information Act* to the House of Commons Standing Committee on Access to Information, Privacy and Ethics. The Committee began hearings on reform of the Act later that month.

5. **Build organizational capacity**: In 2008–2009, the Office conducted a review of its resource levels (an A-base review), which clearly showed the need to augment its resource base to enable the organization to fulfill its mandate. The Office submitted a request to this effect to the Advisory Panel on the Funding and Oversight of Officers of Parliament. Although, the full complement of resources requested was recommended by the Advisory Panel, only part of the funding was granted.

The Office also developed an integrated business and human resources plan with key strategies to be more efficient and proactive in recruiting, retaining and training employees. It started implementing its five-year information management/information technology (IM/IT) strategic plan, which includes a number of renewal initiatives that are crucial to the success of the new business model. Finally, the Office integrated and streamlined its corporate planning and reporting activities to ensure their closer alignment and to improve performance measurement and management.

Summary of Spending

$ million					
Program Activity	2007–2008 Actual Spending	2008–2009			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Compliance with access to information obligations	7.856	7.665	9.638	10.227	9.834
Total	**7.856**	**7.665**	**9.638**	**10.227**	**9.834**

In 2008–2009, the Office had a variance of $589,000 between its planned spending and the total authorities it was granted over the year. This can be explained by four changes that took place during the fiscal year:

- the Office received compensation to meet requirements of recently signed collective agreements;
- there was an operating carry-forward;
- the Office was reimbursed for a pay list shortfall; and
- there was an adjustment to the Employee Benefit Plan contributions.

Contribution of Priorities to Strategic Outcome

All operational priorities contribute to the Office's single Strategic Outcome: Individuals' rights under the *Access to Information Act* are safeguarded.

Operational Priorities	Type	Status

1. Improve service delivery to information requestors
An access to information system, in which requestors can have their complaints resolved in an objective and fair manner and as efficiently as possible, is essential to ensuring transparency and openness of government. In addition, the Office of the Information Commissioner strives to be exemplary in the area of service to requestors.
	New	**Mostly met**
		• The Office developed and began its five-year implementation of a new business model for improving the efficiency of investigations. The year saw positive results from the new way of doing business:
		  • In 2008–2009, the Office closed more complaints (1,770) than in any previous year.
		  • The Office closed half of its long-standing complaints (those from before April 1, 2008), which puts it in a good position to eliminate its historical backlog by its publicly stated target date of March 31, 2010.
		• Under the new business model, the Office established the Intake and Early Resolution Unit as a pilot project to see whether having a dedicated team to look after the administrative aspects of investigations as well as attempt early resolution for certain types of complaints would accelerate the process. Given the large number of complaints the Office closed this year, it seems that this approach is working. The Office audited the work of the new unit and will implement the recommendations contained in the audit report in 2009–2010. By improving the performance of this unit, the Office will significantly improve service delivery by being able to process and, therefore, close complaints more quickly than before.
		• The Office completed a systemic investigation into a complaint from the Canadian Newspaper Association about whether

		institutions were delaying access requests from the media. • The Office streamlined some of its administrative and investigative processes, including serving notices required under the *Access to Information Act* by email instead of delivering them by hand, delegating approval and sign-offs of cases, and revising the format and content of investigation reports. • While pursuing legislative and administrative reform, the Office developed a continuum of interdependent tools it has at its disposal to maximize institutional compliance with the *Access to Information Act*. The Office is making strategic and well-coordinated use of these tools to improve service delivery and meet its objectives.
2. Renew the approach to the performance assessment of federal institutions This will help federal institutions reach the highest level of compliance and make the assessments more relevant and useful to Parliament.	New	**Met all** • The Office revamped its performance assessment process (known as report cards) to increase its relevance and usefulness. • The Office issued a special report to Parliament in the winter of 2009 on institutions' performance in 2007–2008. The report included the results for the 10 institutions assessed, and set out concrete recommendations for improvements and the institutions' responses. The Office will follow up on institutions' progress in implementing its recommendations in 2009–2010. It will also fine-tune the report cards process in light of institutions' feedback.
3. Integrate, to the operations, the implications of the coming into force of the *Federal Accountability Act* Since it is now subject to the *Access to Information Act*, the Office has the opportunity to become a centre of excellence and a leader among federal institutions on how to effectively process access to information and privacy requests. This will also allow the Office to make a significant contribution to the transparency and openness of government.	New	**Met all** • The Office's Access to Information and Privacy Secretariat responded to 109 of 113 access requests it received during the year. • The Information Commissioner ad hoc received 13 complaints, six of which he found to be not substantiated. One was resolved by the release of further information and six were carried over to 2009–2010. The position of Information Commissioner ad hoc was created in 2007 in response to the Office becoming subject to the *Access to Information Act* for the first time. The Information Commissioner ad hoc independently investigates complaints about the Office's handling of access requests. • The Office met the April 1, 2009, deadline for implementing the requirements of the Treasury Board audit policy suited to the work of an officer of Parliament. It hired a firm to provide internal audit services, recruited two external members for the audit committee (which met three times) and approved audit committee and internal audit charters as well as a risk-based audit plan. In addition, the audit firm carried out its first audit (of the Intake and Early Resolution Unit; see point 1, above).
4. Modernize Access to Information This will ensure that the *Access to Information Act* and the systems established to implement it reflect the complex information environment of the early 21st century.	New	**Met** • Amending the *Access to Information Act* is the prerogative of Parliament. However, the Commissioner may advocate for legislative reform and make suggestions to Parliament on how it should be done. In March 2009, the Commissioner presented 12 recommendations related to the most pressing matters for reform of the Act to the House of Commons Standing Committee on Access to Information, Privacy and Ethics. The Committee began hearings on reform of the Act later that month.

5. Build organizational capacity By implementing its IM/IT strategy and its integrated human resources plan, the Office will be able to fully implement its new business model and deliver its mandate and improve its service to Canadians.	New	**Mostly met** • The Office reviewed its resource levels (A-base review). • The Office developed an integrated business and human resources plan, which it expects to bear fruit in the future in terms of recruitment, training and retention of staff. • The Office developed a comprehensive five-year IM/IT plan containing renewal initiatives to help the Office enhance productivity, ensure data security and support crucial infrastructure. The improved IM/IT environment will facilitate investigations and the Office's work to meet its access to information and privacy obligations. • The Office placed increased emphasis on investigating systemic issues, particularly to get at the root causes of non-compliance with the *Access to Information Act*. • The Office integrated and streamlined its corporate planning and reporting activities to ensure their closer alignment and improve performance measurement and management.

Risk Analysis

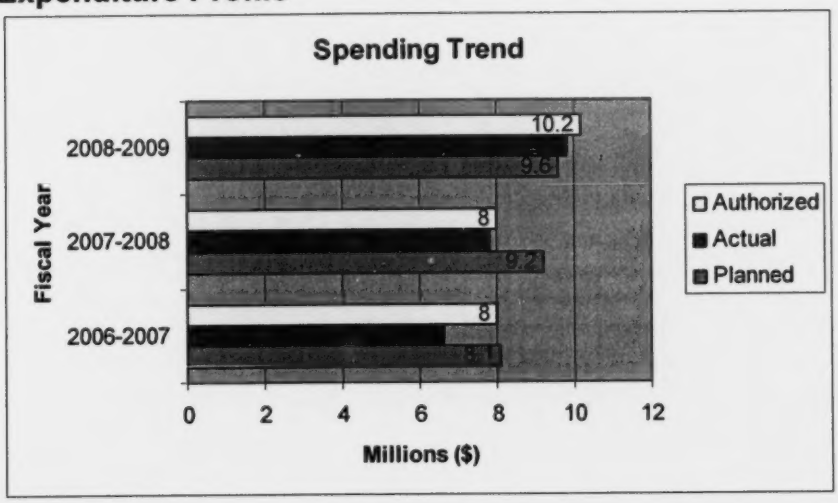
The Office's 2008–2009 *Report on Plans and Priorities* identified a number of external and internal factors that it anticipated would influence its operating environment.

Externally, the coming into force of the *Federal Accountability Act* in 2007 had a major impact on the federal access to information system, which was already being dramatically reshaped by changing technology and the increasing complexity of government business. This law increased the number of institutions subject to the *Access to Information Act* (including the Office itself) and, consequently, the number of complaints addressed to the Office surged in 2007–2008.

Within the Office, 2008–2009 marked the second year of profound institutional change, as the organization worked to implement a new way of doing business. The new business model enables the Office to investigate complaints more efficiently, as confirmed by the early successes registered at year-end. The Office closed half of the complaints in the historical backlog (pre-April 1st, 2008) and expects to close the rest in 2009–2010. It also closed more complaints than it ever had before (40 percent more than in 2006–2007 and 28 percent more than in 2007–2008). Nonetheless, the Office still had 2,513 complaints pending at the end of March 2009. With the new business model in place, the Office expects to achieve a manageable number of complaints (200 to 500) carried over at year-end within the next five years.

The Office considers that a five-year timeframe is necessary to achieve its goals, given the number of challenges inherent in its multi-faceted renewal strategy, including recruiting and training its workforce, improving its IM/IT infrastructure and addressing system-wide issues that hinder access to information. Part of the risk associated with this new strategy stems for the need to secure sufficient resources to support it.

Expenditure Profile



The Office's spending has been increasing in recent years. A number of factors account for this trend, as follows.

- Authorized funding increased by $2.2 million from 2007–2008, due mainly to the operating carry-forward, pay list requirements and new funding from Treasury Board mainly to meet the requirements of the *Federal Accountability Act*—to implement the Treasury Board internal audit policy and set up an access to information and privacy office.
- Actual spending and planned spending have been following the same trend in recent years as the authorized funding. In 2008–2009, the Office lapsed only $0.4 million and will be in a position to carry forward a portion of that amount into 2009–2010. In 2007–2008, planned spending was higher than actual spending because the former included the funding set aside by Treasury Board to fund the Office's activities under the *Federal Accountability Act*. The Office did not received that funding in 2007–2008 but only in 2008–2009.

Section II: Analysis of Program Activity by Strategic Outcome

Strategic Outcome: Individuals' rights under the *Access to Information Act* are safeguarded

As the ombudsman responsible for investigating access complaints against federal institutions, the Information Commissioner represents an independent source of expert knowledge with a unique perspective on freedom of information and the importance to democracy of transparency and openness in government. In order to maximize the Commissioner's and the Office's influence and promote requestors' rights, the Office must complement its investigative work by sharing its expertise with stakeholders and being as transparent as possible about its decisions and ways of doing business.

Program Activity by Strategic Outcome

All expected results contribute to the Office's single Strategic Outcome: Individuals' rights under the *Access to Information Act* are safeguarded.

2008–2009 Financial Resources ($ million)			2008–2009 Human Resources (full-time equivalents)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
9.638	10.227	9.834	90	59	31

Expected Results	Performance Indicators[2]	Targets	Performance Status	Performance Summary
1. Requestors benefit from a fair and effective complaints resolution process	Quality and timeliness of the investigation process	• 90 percent of investigations adhere to quality assurance standards at first round of review; complaints are responded to within service standards (therefore improving turnaround time)	Somewhat met	See Performance Analysis, below.
2. Stakeholders understand the role and perspective of the Office of the Information Commissioner in ensuring compliance with the *Access to*	Reach to, and feedback from, stakeholders	• Stakeholders have ready access to Office publications, tools and information, namely via a website that is redesigned to be comprehensive, up-to-date and user-friendly,	Somewhat met	

[2] As stated in the 2008–2009 *Report on Plans and Priorities*, the Office is implementing these performance indicators incrementally over 2008–2009 and 2009–2010. Hence, only some of the performance information relating to these indicators was available for this report. The remainder will be reported on next year.

Information Act		and stakeholder feedback is generally positive		
3. Federal institutions meet their obligations under the *Access to Information Act*	Proportion of investigation and report card recommendations adopted	• 95 percent of complaints investigation recommendations are adopted • 80 percent of report cards recommendations are adopted	Met all	
4. The courts receive useful representations and relevant evidence about access issues, the proper interpretation of the provisions of the *Access to Information Act*, and of related statutes, regulations and jurisprudence	Proportion of the court cases where judgments support OIC [Office of the Information Commissioner] representations and/or, OIC evidence was considered as part of the Courts' deliberations	• 90 percent of court judgments either support Office representations or consider Office evidence	Met all	
5. Parliament receives clear, relevant information and timely objective advice about the access to information implications of legislation, jurisprudence, regulations and policies	Value of information and advice from the Office of the Information Commissioner provided to parliamentarians and parliamentary committees	• 80 percent of information access-relevant parliamentary committee reports refer to Office advice; positive feedback from parliamentarians, committee chairs and members	Met all	

Benefits for Canadians

Under the *Access to Information Act*, anyone who makes a request for information to a federal institution and is dissatisfied with the response or the way it was handled has the right to complain to the Office of the Information Commissioner. The Office is committed to investigating these complaints in an objective and fair manner and as efficiently as possible. This complaint function is crucial to safeguarding the rights of individual Canadians and organizations under the Act, since it helps ensure that they are getting the information about their government to which they are entitled under the law.

To effect greater compliance across federal institutions and to reduce the number of complaints it receives, the Office approaches certain problems that regularly occur with a strategic and proactive approach. In 2008–2009, the Office placed increased emphasis on investigating systemic issues, particularly to get at the root causes of non-compliance with the *Access to Information Act*. The Office also uses a variety of tools of general and specific applications—those are interdependent and complement investigations and systemic actions—to maximize compliance. This in turn maximizes service to Canadians.

In this same spirit, the Office's communications activities, performance assessments, work on legal cases and parliamentary relations activities all focus on ensuring that Canadians know that they have the right to complain about the handling of their information requests and that institutions have a responsibility to respond to those requests as quickly and completely as possible within the legal deadlines.

Performance Analysis

1. **Requestors benefit from a fair and effective complaints resolution process**: In 2008–2009, the Office made significant improvements to its complaint-handling process. In particular, the Office developed and implemented a new way of doing business to meet four specific objectives:

- to improve the effectiveness and timeliness of operations with a view to reducing the carry-over of complaints each year to a manageable level of 200 to 500 complaints within the next five years;
- to eliminate the historical backlog of long-standing complaints and to prevent a large number of long-standing complaints from accumulating;
- to adopt a strategic and proactive approach to systemic issues in order to detect, investigate and remedy the underlying sources of the problem;
- to take advantage of the spectrum of tools the Office has at its disposal—from collaboration and mediation to adversarial actions—to complement the Office's investigations and systemic actions and maximize compliance in a context of limited resources.

In 2008–2009, the Office closed more complaints (1,770) than it ever had before. This was no small feat, given the large number of new complaints (2,018) it received during the year. The table and figures below provide more information on the Office's workload in recent years.

During the past year, the Office closed half of the cases in its historical backlog of long-standing complaints (pre-April 1, 2008). This represents a major achievement in fulfilling the Office's commitment to eliminate its historical backlog by March 31, 2010. As it works to close the remaining old cases, the average completion time for investigations—which was 13 months in 2008–2009—will likely drop significantly.

Following the new business model, chief investigators review and sign off on most of the investigation files once they verify the quality and accuracy of the investigation. This procedure also improves the efficiency of the investigative process and increases the turnaround time for the greater benefits of requestors.

The Office completed a significant systemic investigation into a complaint by the Canadian Newspaper Association, which looked into the practices of 21 institutions in responding to access requests from the media. The investigation found that delays did occur but not exclusively for media requests; the Office found that institutions were delaying requests from parliamentarians, organizations, academics and lawyers as well. The Office set out numerous recommendations at the conclusion of this investigation, which the institutions and Treasury Board Secretariat agreed to follow. The Office followed up on these recommendations in early

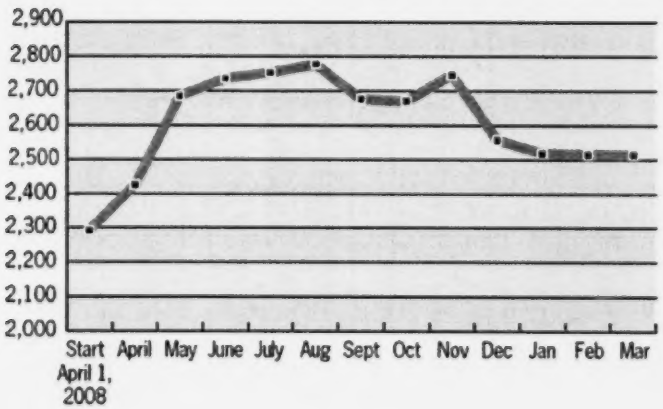
2009 to ensure the promised actions were being taken, namely that all information requests are processed without unwarranted delays.

Summary of Caseload, 2006–2007 to 2008–2009

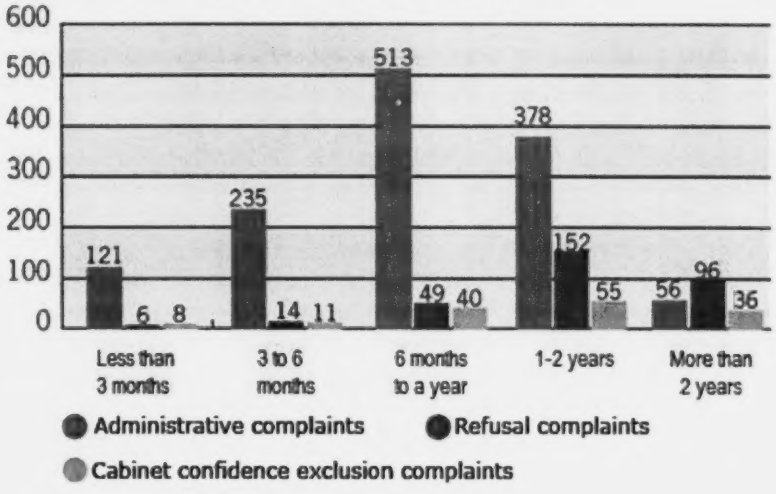
	2006–2007	2007–2008	2008–2009
Complaints Received			
Complaints carried over from the previous year	1,453	1,420	2,293*
New complaints	1,317	2,387	2,018
Complaints cancelled during the year	82	108	28**
Complaints pending at year-end	1,420	2,318*	2,513
Outcome of Complaints			
Complaints discontinued during the year	449	108	652
Complaints completed during the year with findings	819	1,273	1,118
Total of complaints closed during the year	1,268	1,381	1,770
Commissioner-Initiated Complaints			
Complaints carried over from the previous year	423	237	0
New complaints	393	0	1
Complaints closed during the year	579	237	0
Complaints pending at year-end	237	0	1
Report cards initiated during the year	17	10	***

* Figure adjusted after year-end to avoid duplication: 25 complaints received at the end of March 2008 were registered at the beginning of April 2008.
** The Office stopped using the "cancelled" category in June 2008 when it set up its new intake process. These 28 complaints were cancelled before this change was made. In the past, a complaint was registered upon receipt and then cancelled after an investigator determined that it was not valid under the Act (for example, it was made beyond the time allowed or the complainant withdrew or abandoned it before the investigation began). As of June 2008, the Office registers a complaint once an officer reviews it and obtains, when necessary, sufficient information to determine that it is a valid complaint. A complaint that is found not to be valid is now treated as a general enquiry.
*** The 2007–2008 report cards were completed during the following fiscal year and published in February 2009.

Trends in the status at month-end of the inventory of all active complaints, 2008–2009



Turnaround times for complaints closed, 2008–2009



2. **Stakeholders understand the role and perspective of the Office of the Information Commissioner in ensuring compliance with the *Access to Information Act***: In 2008–2009, the Office published a new brochure about its role in the access to information system. It also stepped up its communications activities, gaining more exposure for the Commissioner and the work of the Office: a special report to Parliament, appearances of the Commissioner and senior officials before the House of Commons Standing Committee on Access to Information, Privacy and Ethics, presentations at various domestic and international conferences, and a wide range of activities during the annual Right to Know Week. Media coverage of the Commissioner, his role and access to information issues was extensive this year. The planned redesign of the website was well under way in 2008–2009 but was not completed. It will be a priority for the Office in 2009–2010.

3. **Federal institutions meet their obligations under the *Access to Information Act***: The Office revamped its performance assessment process (known as report cards) to increase its relevance and usefulness. The new report cards process was designed to offer more insight into the contextual factors that affect institutions' performance in handling access requests while keeping a strong focus on timeliness. The Office examined access issues from a system-wide perspective and tabled a special report before Parliament in the winter of 2009. The report includes the results for the 10 institutions that were assessed, concrete recommendations for improvements as well as the institutions' response. During the process, the Office also identified areas for improvement by Treasury Board Secretariat to ensure that all players in the access system respond to access requests as quickly and completely as possible for the benefit of Canadians. The Office has committed, in particular, to responding to institutions' feedback about the process itself. The effectiveness of the report cards will be a key measure of the Office's performance in upcoming years.

4. **The courts receive useful representations and relevant evidence about access issues, the proper interpretation of the provisions of the *Access to Information Act*, and of related statutes, regulations and jurisprudence**: A fundamental principle of the *Access to Information Act* is that decisions on disclosure of government information may be reviewed independently of government by the Office when it investigates complaints or by the Federal Court of Canada. In 2008–2009, Office counsel participated in a number of court cases, clearly communicating the perspective of the Commissioner on a variety of access-related issues. Some of these resulted from the Commissioner's findings from investigations over the years; others dealt with issues of broad application that might affect the interpretation of the *Access to Information Act*.

5. **Parliament receives clear, relevant information and timely, objective advice about the access to information implications of legislation, jurisprudence, regulations and policies**: In 2008–2009, the Office produced a special report to Parliament on the performance of federal institutions in the area of access to information as well as systemic issues affecting access to information in Canada. The Commissioner appeared before the House of Commons Standing Committee on Access to Information, Privacy and Ethics three times during 2008–2009. He advised on the performance of federal institutions and systemic issues and presented proposals for an urgent reform of the *Access to Information Act* in March 2009.

Lessons Learned

In 2008–2009, the Office started implementing its new business model, and promising signs of success were to be found in the number of complaints it closed by year-end. This sets the bar for efficient performance even higher for 2009–2010.

Fully implementing the business model will require time, sustained efforts and sufficient resources. The Office anticipates a five-year timeframe to achieve its goals, given the large volume of complaints it needs to process, the magnitude of the IM/IT renewal strategy and ongoing challenges with respect to human resources management. As it moves into year two, the Office will build on its early successes to ensure that its approach is as timely and effectively as possible.

During the past year, the Office also introduced its new performance assessment process, which led to the publication of a solid report on performance and recommendations for improvement—both for individual institutions and for the system as a whole. This experience suggests that the report cards process is a crucial exercise to increase institutional compliance with the *Access to Information Act*. Consequently, the Office will continue to produce in-depth report cards and to devise strategies to proactively address systemic issues. A three-year plan for report cards has been published in July 2009 by the Interim Commissioner. The plan takes an integrated approach to the assessment of delays in responses to access requests while encouraging greater proactive compliance from institutions.

To further enhance its organizational capacity, the Office must now turn its attention to recruiting and developing people with relevant skills and experience, such as conducting investigations, audits or evaluations. Over the last year, the Office was successful in recruiting

seven new investigators and is providing on-the-job training in the particulars of its investigative function. The Office will report on its recruiting and training efforts in future performance reports.

Finally, the introduction of the new business model also requires that the Office examine how it measures its performance. In 2009–2010, the Office will review the various items under its Program Activity, particularly its performance indicators and targets, to ensure that it can accurately measure its performance and that its work is focused on attaining its Strategic Outcome.

Section III: Supplementary Information

Financial Highlights

The financial highlights presented below are a general overview of the Office of the Information Commissioner's financial position and operations. The Office's financial statements can be found on the Office's website.

Condensed Statement of Financial Position As at March 31	**% Change**	**2009**	**2008**
ASSETS			
Total Assets	26%	1,651,640	1,312,311
TOTAL	26%	**1,651,640**	**1,312,311**
LIABILITIES			
Total Liabilities	24%	2,447,116	1,967,393
EQUITY OF CANADA			
Total Equity of Canada	21%	(795,476)	(655,082)
TOTAL	26%	**1,651,640**	**1,312,311**

Condensed Statement of Operations For the year ended March 31	**% Change**	**2009**	**2008**
EXPENSES			
Total Operating Expenses	30%	11,503,162	8,852,666
REVENUES			
Total Revenues	(37%)	525	827
NET COST OF OPERATIONS	30%	**11,502,637**	**8,851,839**